

REMARKS

INTRODUCTION

In accordance with the foregoing, claims 1, 34, 35, 36, 37, 38, 39, 41, 43 and 44 have been amended. No new matter is being presented, and approval and entry are respectfully requested. Therefore, claims 1, 34-39, 41, 43 and 44 are pending and reconsideration is respectfully requested.

OBJECTIONS TO THE CLAIMS

In the Office Action, claim 1 was objected to because relational operators were missing. Claim 1 is amended to overcome this rejection. Withdrawal of the foregoing objection is respectfully requested.

REJECTION UNDER 35 U.S.C. §102

Claims 1, 34-39 and 43 were rejected under 35 U.S.C. §102(e) as anticipated by Smith (Application No. 2002-71627). However, in view of the amendments to these claims, these rejections are traversed.

Regarding the rejection of claim 1, as amended, claim 1 recites "said switch mirror can switch between a first condition where incident light passes over the switch mirror and a second condition where incident light is reflected by the switch mirror." Therefore, as shown in FIGS. 4A, 5, and 6, because each switch mirror can switch between first and second conditions, the optical switch of the amended claim 1 can output light from any input port to a desired output port.

Smith, on the other hand, discloses tiltable input mirrors 76 and output mirror 80 in FIG. 5. The mirrors 76 are titlable about respective axes that lie generally horizontally so that the input mirrors 76 direct each input beam 60 and 62 toward a folding mirror 86. Further, depending upon the tilt angle of the respective input mirror 76, the folding mirror 86 reflects the beam to output mirror 80 in a selected one of rows 82 and 84, as described in column 2, paragraph 15.

However, while the input mirrors 76 can control a reflection angle of the beam by controlling the tilt angle of the input mirrors 76, the input mirrors 76 can only reflect the beam and cannot transmit incident light. In other words, the input mirrors 76 cannot switch between a first condition where incident light passes over the input mirrors 76 and a second condition where incident light is reflected by the input mirrors 76 as in the presently claimed invention.

Similarly, each output mirror 80 is tiltable in correspondence to the tilt angle of the input mirror 76 as described in column 3, paragraph 16. However, incident light cannot pass over each of the output mirrors 80. The output mirrors 80 cannot switch between a first condition where incident light passes over the output mirrors 80 and a second condition where incident light is reflected by the output mirrors 80 as in the presently claimed invention.

Further, mirrors 102 and 108 in FIGS. 6 and 7 can only reflect the beam similarly to mirrors 76 and 80 and cannot switch between a first condition, where incident light passes over the mirrors 102 and 108, and a second condition, where incident light is reflected by the mirrors, as in the claimed invention.

Given these arguments, it is evident that the tiltable mirrors 76, 80, 102, and 108, in Smith, are quite different from the claimed switch mirror and that Smith does not teach or suggest the claimed "said switch mirror can switch between a first condition where incident light passes over the switch mirror and a second condition where incident light is reflected by the switch mirror." Therefore, amended claim 1 is patentably distinguished from the reference to Smith and the rejection of claim 1 is believed to be overcome.

Regarding the rejections of claims 34-39 and 43, it is noted that these claims recite substantially similar subject matter as claim 1 and that, thus, the rejections of these claims are also overcome.

REJECTION UNDER 35 U.S.C. §103

Claims 41 and 44 were rejected under 35 U.S.C. §103 as unpatentable over Smith. However, these rejections are believed to be overcome for the same reasons as noted above.

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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